IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 219 OF 2006

Kalgonda Ramgonda Patil .. Petitioner

versus

Girish Ramchandra Bhaulekar .. Respondent

...

Mr.N.J. Patil for the petitioner.

Mrs.S.R. Kumbhat for respondent nos.1 to 7.

CORAM : D.G. KARNIK, J

DATED : 20th November 2006

P.C.:

1. Heard counsel for the parties.

2. This Contempt Petition is filed alleging that respondents have committed breach of the order of injunction granted by this court on 12th September 2005 in Civil Application no.697 of 2005. By the said order, injunction in terms of prayer clause (b) was granted.

Learned counsel for the petitioner states that the said clause (b) was restraining the respondents from alienating the suit property.

3. Learned counsel for the petitioner states that respondents have alienated the suit property. He invites my attention to Exhibit-B to the Contempt Petition. It is a copy of the public notice in which the purchaser's attorney has stated that respondents have agreed to sell the property to them. Taken at the face value it shows that sale deed has not yet been effected. There is no alienation but there is only an agreement to sale. It is possible that after the contempt petition, respondents may change their mind and choose not to sell their property. There would be no contempt unless there is an alienation amounting to breach of the order.

4. In the circumstances, prima facie, present breach is not proved. Hence contempt petition is summarily dismissed.

(D.G. KARNIK, J)